

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Crl.Rev.Pet.No. 137 of 2000()

**CRA.64/1998 of IV ADDL.SESIONS COURT, ERNAKULAM
SC.49/1997 of PRL.ASST. SESSIONS COURT, ERNAKULAM**
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REVN. PETITIONER: APPELLANT/ ACCUSED

**V.P.PURUSHOTHAMAN,
S/O.PADMANABHAN NAIR, UNICHANNATH HOUSE,
KUNNATHNADU TALUK
VAZHAKKULAM VILLAGE, ERNAKULAM.**

**BY ADV. SRI.T.V.PRABHAKARAN
SRI.S.RAJEEV**

RESPONDENT: RESPONDENT/ COMPLAINANT

**STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(CRIME NO.434/96 OF THE CITY TRAFFIC POLICE STATION
KOCHI CITY.)**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

CRL.RP. NO.137/2000

ORDER ON CRL.MP.784/2000 IN CRL.RP. NO.137/2000

DISMISSED

17.07.2007

SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.R.P.No.137 of 2000

Dated this the 17th day of July, 2007

O R D E R

The revision petitioner is the accused in S.C.No.49/97 in the Court of Principal Assistant Sessions Judge, Ernakulam with respect to the offences under Sections 279 and 304 IPC on the allegation that on 23.2.1996, at about 10.10 am he drove an Ambulance Van bearing registration No.KL-7/D-5572 in a rash and negligent manner so as to endanger human life and hit on a pedestrian who sustained grievous injuries and thereafter admitted to the hospital and died on 29.2.1996 while undergoing treatment. Although, the accused/revision petitioner has convicted for both the offences the appellate court acquitted him with respect to the offence under Section 304 IPC. The revision petitioner stands convicted for the offence under Section 279 IPC and sentenced to undergo simple imprisonment for six months.

2. The evidence adduced in the matter consisted the testimony of PWs' 1 to 16, Exts. P1 to P14 and MO1.

3. The counsel for the revision petitioner has only sought

for modification of the sentence pointing out that the incident has taken place more than ten years ago and that so far he has been facing the criminal proceedings.

4. In the circumstances, the sentence imposed for the offence under Section 279 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased. The revision petitioner is granted three months' time to pay the amount of compensation. He shall appear before the Principal Assistant Sessions Judge, Ernakulam on 26.1.2008 to receive sentence.

The criminal revision petition is disposed of as above.

**K.R.UDAYABHANU,
JUDGE**

csl